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SH 2276878



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

April 10, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 10-0887
L.A.S.D. File No. 010-19673-2134-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 8, 2010, fatal shooting of Robert Lewis Thomas by Los Angeles County Sheriff Deputy (LASD) Victor Lemus. We have concluded that Deputy Lemus acted lawfully in self-defense.

The following analysis is based upon our examination of the reports and photographs submitted to this office by Detectives T. Martinez and E. Brown from the Homicide Bureau of the Los Angeles County Sheriff's Department. The District Attorney's Command Center was notified of this incident at 11:18 p.m. on November 8, 2010. The District Attorney Response Team, comprised of Deputy District Attorney Natalie Adomian and District Attorney Senior Investigator [redacted], was notified by the Command Center and responded immediately to the scene. They were given a briefing of the circumstances surrounding the incident and a walk-through of the scene. Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On November 8, 2010, at 10:17 p.m., Deputies [redacted] and Victor Lemus were in uniform and in a marked patrol vehicle travelling westbound on East 123rd Street, Los Angeles. As deputies approached [redacted] East 123rd Street, they saw Robert Lewis Thomas who looked at the deputies, placed his hand over his left front pocket and turned to shield his left side from the deputies' view. Thomas walked towards a large group of individuals drinking alcohol in front of [redacted] East 123rd Street, a location where known Carver Park Crips gang members congregate and have previously been arrested for criminal activity. Deputies [redacted] and Lemus stopped and

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exited their vehicle. They asked to speak with Thomas. As Thomas began walking towards the deputies, Deputy Lemus saw a bulge in Thomas' left front pocket. Lemus asked Thomas to place his hands on the hood of the patrol car. Thomas grabbed the outside of his left pants pocket and ran off. Deputy Lemus pursued Thomas on foot while Deputy [redacted] followed in his patrol vehicle. Thomas ran into the driveway of [redacted] 123rd Street but stopped upon reaching the residence's locked side gate. Thomas turned towards Deputy Lemus. Lemus saw the handle of a firearm protruding from Thomas' left pocket. Lemus continually ordered Thomas to raise his hands. Thomas ignored the commands and reached for his gun. As Thomas attempted to remove the firearm, Deputy Lemus, fearing for his life, fired at Thomas.

Robert Thomas was immediately transported to St. Francis Hospital for treatment where he was pronounced dead. A Rossi .38 special revolver containing five live rounds was recovered from Thomas' left front pant pocket. Los Angeles County Coroner's Medical Examiner Deputy Juan M. Carrillo, M.D., performed the autopsy and opined Thomas died as a result of multiple gunshot wounds. Robert Lewis was on probation at the time of this incident as a result of his recent conviction on May 20, 2010, for violating Penal Code section 245(a)(1).

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal. App. 3d 731.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Robert Thomas turned towards Deputy Lemus and reached for a gun his pocket. Deputy Lemus reasonably believed Thomas was going

to shoot him. In fear for his life, Deputy Thomas responded with deadly force. We find Deputy Victor Lemus acted in lawful self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

NATALIE ADOMIAN
Deputy District Attorney
(213) 974-3880

c: Deputy Victor Lemus #[redacted]

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

OFFICE CORRESPONDENCE

DATE: June 29, 2012
FILE NO:

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2276878
Incident:	Hit Shooting
Incident Date:	November 8, 2010
Unit:	Century Station/FOR II
Suspect:	[redacted] M/[redacted]
Involved Employees:	Deputy Victor Lemus Deputy [redacted]
EFRC Date:	June 28, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Anthony La Berge, and Commander David Fender met and reviewed the above case.

FINDINGS:
The Committee determined the force used by Deputy Lemus was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used were within the Department's training standards.

RECOMMENDATIONS:
The Committee recommended that Deputy Lemus and Deputy [redacted] attend eight hours of Tactics and Survival Training, class 2A. Additionally, the Committee recommended the unit commander, Captain Joseph M. Gooden, conduct a unit wide briefing regarding the unique circumstances of this incident.

MJR:JER:jer

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11-08-10	Bureau/Station/Facility: FOR-2 / Century Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 010-19673-2134-013	Date: 11-08-10 Time: 2217 Hrs.
City or Station: Century Station	Nature of Incident: Suspect Thomas runs from deputies, Deputy Lemus initiated a foot pursuit while his partner, Dep [redacted] followed in his marked patrol car. Suspect runs into driveway of location and reaches for a hand gun which is in his pants pocket. Deputy Lemus fearing for his safety fired nine rounds at the suspect, striking him in the upper torso area. The suspect fell to the ground and was handcuffed. The suspect was transported to the hospital, where he died.
Location: [redacted] East 123rd Street Los Angeles, CA 90059	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence), Rural, School, Street, Other: ____

Lighting (*circle only one*): (Darkness), Daylight, Other, Street Lights

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, (Armed Person), (Fleeing Suspect), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol)

Aero Unit? ☒ Canine Unit? ☐

Total # of Shots Fired by Deputy: 9

Total # of Shots Fired by Suspect: None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	(EM) PM Day	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name / Street Address	City	First Name / Zip Code	Work Ph	M.I. / Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Gallegos	Clarence	G	(On Duty), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Enciso	Pedro	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Parga	Carlos	

PSTD Use Only

SH # 2276878

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 010-19673-2134-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-09-10	0049	05-07-12	

Employee #	Last Name	First Name	M.I
[redacted]	Vaughan	Stephen	D
[redacted]	Ramirez	Jack	H
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

Code	Method	Code	Method
(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

Code	Type of Injury
(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

Code	Body Part
(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

Code	Brand	Code	Brand	Code	Brand
(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

Code	Caliber	Code	Caliber	Code	Caliber
(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	RO	38			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 010-19673-2134-013

Involved Employee

E 1

Employee # [redacted] | Last Name: Lemus | First Name: Victor | M.I.:

Sex: M | Race: H | Rank: Deputy Sheriff | Unit Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 214H

ShiftTime (*circle only one*): (EM circled) EM PM Day | ShiftType (*circle only one*): (Regular circled) Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled) | Other Factors:

Age: [redacted] | Height: 507 | Weight: 165

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta 92FS | Caliber: 9 | # Shots: 9 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 010-19673-2134-013

Suspect Information

S 1			
Last Name Thomas		First Name Robert	M.I. L.
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 21 D.O.B. 01-02-89	Height: 509 Weight: 190	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2010-07380	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__			
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__			
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__			
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING
INVESTIGATIVE SUMMARY

UNIT:	Century Sheriff's Station
DATE:	November 8, 2010, 2217 Hours, Monday
LOCATION:	[redacted] East 123rd Street, Los Angeles CA 90059
URN#:	010-19673-2134-013
IAB#:	SH2276878

OPENING STATEMENT:

On November 8, 2010, IAB investigators Sergeant Ramirez, Sergeant [redacted] and Lieutenant Stephen Vaughan responded to the Century Station Command Post regarding a Deputy Involved Hit Shooting in the County area of Willowbrook. IAB investigators, the District attorney's Office, and the Office of Independent Review were given a briefing by Homicide Lieutenant David Dolson.

SYNOPSIS:

On November 8, 2010, Deputy Victor Lemus and his partner Deputy [redacted] Unit 214H EM's, were driving west on 123rd Street approaching Defiance Street, when they saw the suspect standing in front of a house on the south side of the street, where there was a large party ([redacted] East 123rd Street). They attempted to contact the suspect, who had walked away from the group and crouched between two parked cars.

The deputies exited their patrol car and asked the suspect to walk to them. The suspect complied and began walking toward Deputy Lemus. The suspect suddenly grabbed his left front pants pocket and ran east into the street. Deputy Lemus ran after the suspect while Deputy [redacted] reentered the patrol car and drove in reverse to follow his partner.

The suspect crossed the street and ran north then east into a driveway at [redacted] 123rd Street (Five houses east of the party location). The suspect encountered a closed and locked chain link gate at the rear of the driveway and stopped.

The suspect turned toward Deputy Lemus. Deputy Lemus ordered the suspect numerous times to show his hands. Deputy Lemus saw a handgun protruding from the suspect's left front pants pocket. The suspect would not make eye contact with him and grabbed the grip of the gun with his left hand. Deputy Lemus, in fear for his safety, fired at the suspect with his duty weapon. The suspect fell to the ground and was subsequently handcuffed by assisting personnel.

The suspect sustained multiple gunshot wounds to the upper torso. He was transported to Saint Francis Medical Center where he was pronounced dead.

The suspect's gun, a Rossi .38 caliber revolver, was recovered at the scene. It was loaded with five live .38 caliber rounds. Seven expended 9mm shell casings, a bullet core and a copper jacket expended from Deputy Lemus' handgun were also recovered from the scene.

The suspect was a known "Carver Park Crip" gang member.

The Deputy Involved Hit Shooting incident was investigated and documented by Homicide detectives. For more information, see the Homicide Investigation Book **[Exhibit A]**.

The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

LEMUS, Victor, Deputy Sheriff, #[redacted]
Century Sheriff's Station,
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	September17, 2000
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING
INVESTIGATIVE SUMMARY

SUSPECT:

THOMAS, Robert L., MB/21 (Deceased)
[redacted]

The Suspect's [redacted] Carver Park gang member.

Refer to Exhibit A, Homicide Book, pages 47- 53 for Suspect Thomas' Criminal History.

INVOLVED DEPUTY WITNESS:

[redacted] # [redacted]
Century Sheriff's Station,
Field Operations Region II

NON-DEPARTMENT WITNESSES:

None

INJURIES:

Suspect:

Suspect Thomas sustained multiple gunshots to his upper torso. He was transported to Saint Francis Medical Center where he was pronounced dead by Doctor Pryor at 2249 hours. Refer to **Exhibit A**, Homicide Book, pages 88-106 for Coroner's report.

Deputy Personnel:

No deputy personnel were injured.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during a clear cool evening. Streetlights on the north and south curb of 123rd Street were on and working. A south facing front porch light was on at [redacted] 123rd Street. Deputy Lemus had a light attached to his Beretta.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING
INVESTIGATIVE SUMMARY

WEAPONS USED BY SUSPECT:

AMR Amadeo Rossi & Co., Model M68, .38 Caliber Revolver; loaded with five live .38 caliber rounds. The weapon was recovered from Suspect Thomas' left front pants pocket. The weapon was processed for latent prints, and no latent prints were developed. Refer to **Exhibit A**, Homicide Book, page 84 for chemical processing report.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Victor Lemus
Service Weapon- Beretta 92FS, .9 mm caliber, (Serial #BER[redacted]), Semi-Automatic Pistol.
Type of Ammunition- .9 mm Luger.
Ammunition- Nine rounds fired and seven left in the magazine.
Shell Casings- Seven .9 mm shell casings were located at the scene.

Both weapons were examined, test fired, and found to be functional by Firearms Examiner Ellen Andrews #[redacted] from the Los Angeles County Sheriff's Department-Scientific Services Bureau, Firearms Identification Section. **Lab Receipt Numbers: K176393, K247071, K247072, K247073. Refer to Exhibit A, Homicide Book, Pages #76-87.**

INVOLVED DEPUTY'S STATEMENT:

Deputy Victor Lemus, Employee #[redacted] was interviewed by Homicide Investigators on November 9, 2010, at approximately 0310 hours. A summary of their interview may be found on page 44 of the Homicide Investigation Book, **Exhibit A.** Internal Affairs investigators reviewed the tape recording of the interview and found that Homicide's summary of their interview is an accurate account of what was said.

Internal Affairs Bureau conducted a Shooting Review interview on April 5th, 2012, at approximately 1000 hours. The following is a summary of the incident as described by Deputy Lemus. Additional information and precise wording may be obtained by reviewing Deputy Lemus' recorded interview (Job #34286) and attached interview transcription.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING
INVESTIGATIVE SUMMARY

On November 8th, 2010 Deputy Lemus prepared himself for his patrol assignment which was 214H on the early morning/graveyard shift. He checked his uniform, equipment, and retrieved a battery for his radio. He checked his radio and observed it was functional. He explained he usually tries to get an extra battery, because he has experienced a battery dying during his shift and he did not want to return to the station. On that date, which is common, there were no extra batteries. He attended briefing where the deputies were advised of a Riverside police officer that went in foot pursuit, engaged in a fight, and was eventually shot and killed by the suspect with his service weapon.

Unit 214H is assigned to the unincorporated area of Willowbrook. Deputy Lemus had worked the area for approximately two years and was familiar with the terrain and citizens. He was also familiar with the local gangs in the area and the turf they claimed. The largest black gang in the area is known as "Carver Park Crips" who claim a large area of Willowbrook, including 123rd Street.

Prior to leaving the station, Deputy Lemus and his partner Deputy [redacted] usually talk about tactics for the evening. While driving, they talk about "what if" situations and try to figure out how to do things better. After incidents, they debrief themselves and talk about what could have been done differently.

They were driving east on 124th Street when Deputy Lemus observed someone walking on 123rd Street. He and his partner drove to 123rd Street and observed a large party west of their location.

> **IAB Note: Deputy Lemus realized later in the evening that November 8th was known in the area as "Hood Day." He explained the date and day (November 8) translate to 118th street which is the strong hold for the Carver Park Crip gang. The date is significant to the gang members and they gather to celebrate their gang's existence.**

As they drove west on 123rd Street, Deputy Lemus saw a group of males standing in the middle of the street near a residence at [redacted] East 123rd Street. A second group of males were standing east of the residence and a third group was standing on the lawn of the residence. Deputy Lemus could see that some of the males were drinking out of beer cans, while others were drinking out of cups. It appeared as if a party or gathering was taking place at [redacted] East 123rd Street. None of the males seemed alarmed as the patrol car approached.

As the patrol vehicle got to within fifty yards of the groups of males, Deputy Lemus, based on past experience, began looking for anyone making sudden movements, walking away, reaching, or discarding items.

When they were within twenty five yards of the groups, Deputy Lemus observed the suspect, who was standing on the lawn adjacent to the residence where the party was taking place. The suspect walked away from a group of males and began walking toward the [redacted] 123rd Street address. Deputy Lemus asked his partner if he saw the suspect walking away. Deputy [redacted] confirmed that he saw him. Deputy Lemus saw the suspect look back toward the approaching patrol vehicle, as he continued walking toward the residence.

> **IAB Note: Deputy Lemus said that although he was at a known Carver Park Gang house with 50-60 partygoers, he did not call for backup at this time, because they had not decided to contact the individuals.**

The suspect reached the driveway separating the two properties. The suspect crouched between two vehicles that were parked in the driveway on the east end of the party location. Deputy Lemus lost sight of him for a second, and then observed the suspect walking east toward the second group of males which totaled 20-30. Deputy Lemus believed the suspect may have discarded something between the vehicles, because he saw the suspect grab his left pants pocket as he walked away. He told his partner of his observations and they agreed to stop.

Deputy [redacted] stopped the vehicle just east of the party location. Deputy Lemus stepped out and walked to the front end of the patrol vehicle, as Deputy [redacted] made contact with the suspect.

> **IAB Note: Deputy Lemus said he did not ask for backup at this point because he felt it was a low risk contact. The partygoers continued with their party and did not display any signs of aggression either physically or verbally.**

Deputy Lemus observed Deputy [redacted] contact the suspect and tell him to walk toward Deputy Lemus. The suspect was approximately 20-30 feet from the second group of males and ten feet from Deputy [redacted]. At this point, the suspect was twenty feet from Deputy Lemus.

The suspect walked casually toward Deputy Lemus with his hands at waist level. Deputy Lemus observed a bulge in the left pants pocket of the suspect and thought it might be a weapon. Deputy Lemus said the suspect had just walked past Deputy [redacted] when he observed the bulge. He did not communicate his observation to Deputy [redacted].

Deputy Lemus said he put his hand on his holstered handgun and told the suspect to place his hands on the hood of the patrol vehicle. The suspect was approximately five feet from the patrol vehicle and was about to step down to the street from the sidewalk. The suspect did not appear to be nervous and was walking casually toward Deputy Lemus.

Deputy Lemus said as the suspect reached the curb of the sidewalk, he turned and ran east onto the street. The suspect was holding his left pants pocket with his left hand and trying to hold up his shorts with his right hand.

As the suspect ran east in the street, Deputy Lemus said he believed the suspect was holding a weapon and started running after him. Deputy Lemus immediately grabbed his radio and attempted to transmit that he was in foot pursuit. He used his left hand to reach his radio microphone which was attached to his shirt at chest level. Deputy Lemus said he did not hear Sheriff's Radio Communications acknowledge his emergent traffic. He thought he may have accidentally switched his radio to L-tac and manipulated the radio to confirm he was on the dispatch channel. He tried again to put out his radio traffic but received no response. He manipulated the radio two more times but still did not receive any acknowledgement.

During the radio manipulation Deputy Lemus was still in foot pursuit. He was approximately ten feet behind the suspect. Deputy Lemus said he was not trying to catch the suspect, because the earlier briefing regarding the Riverside officer was still fresh in his mind and he did not want to get in a wrestling match with the suspect.

Deputy Lemus said he was near his patrol car when he first attempted to put out emergent traffic. He believed he was two houses west of the [redacted] address (shooting location) when he attempted his fourth transmission. Throughout the pursuit the suspect was running in the street and continued looking back to see the location of Deputy Lemus.

Deputy Lemus said he did not see his partner, but immediately recognized the sound of the patrol car engine and knew his partner was following him. He said he and Deputy [redacted] had talked about this maneuver in the past. One house west of [redacted] East 123rd Street, the suspect ran north into the front yard and continued running east. Deputy Lemus maintained a distance of ten feet behind the suspect and continued yelling for him to stop running. He said the suspect would "swivel" his head left and right but did not stop.

> **IAB NOTE: During the interview, we observed Deputy Lemus manipulating his radio while describing the foot pursuit. He never broke eye contact with us and explained he practices constantly changing his radio from direct to dispatch, and L-tac.**

Deputy Lemus said that when he reached the second house west of [redacted] 123rd Street, he figured his radio was not working. He said he was going to continue running until he lost sight of the suspect or the suspect jumped over a wall. The suspect was not making any threatening movements toward Deputy Lemus and he felt safe, knowing his partner was behind him.

> **IAB NOTE: Deputy Lemus said he planned to set up a containment as soon as he lost sight of the suspect and when the patrol car reached him. He did not know if his partner had put out anything on the radio because his radio was not operating.**

Deputy Lemus said he followed the suspect as he ran between two vehicles that were parked in the driveway on the west side of [redacted] East 123rd Street. He was still five to ten feet behind the suspect as the suspect turned north into the driveway. Deputy Lemus slowed down, because he could no longer see the suspect's hands due to the height of the cars. Deputy Lemus said he used the cars and house as cover as he continued to run behind the suspect. Deputy Lemus followed the same path as the suspect to maintain his view of the suspect's hands and lower body. Deputy Lemus explained if he had stayed behind, he would have lost sight of most of the suspect's body and would only be able to see his head.

Deputy Lemus drew his gun prior to reaching [redacted] East 123rd Street. He was no longer running, but walking at a fast pace as he was yelling at the suspect, "Stop, let me see your hands." Deputy Lemus said his light mounted on his Beretta was illuminating the suspect. He could see the suspect in his front sights.

The suspect made no attempt to jump the locked chain link fence; instead the suspect stopped and turned around to face him. Deputy Lemus saw the grip of a handgun protruding from the left front pants pocket of the suspect. He explained he was scared because now "he had a gun." The situation had changed from chasing someone to a life threatening situation.

Deputy Lemus was standing behind the rear panel of the white vehicle parked in the driveway as he saw the suspect stop. He noticed his backdrop was three large trash cans. Deputy Lemus said he was approximately ten feet from the suspect and believed the car was his best cover. He continued to yell at the suspect, "Let me see your hands, let me see your hands."

The suspect's hands were hanging down to his side and he was looking at the ground, when Deputy Lemus was yelling at him to see his hands. The suspect then looked to his right, away from Deputy Lemus. Deputy Lemus thought, "He's thinking of something." At this point in the confrontation, he had his gun pointed at the suspect's chest and was in "a good shooting stance."

The suspect reached down and grabbed the grip of the handgun with his left hand. Deputy Lemus was scared he would get shot, so he fired several times. The suspect took 2-3 steps forward as Deputy Lemus was firing at him. Deputy Lemus continued firing as he took a few steps backward to keep his distance from the suspect and maintain cover.

Deputy Lemus could not recall keeping count of the number of rounds he fired, but kept thinking "he's got his hand on the gun." He could not remember exactly his rate of fire and he never saw the suspect pull out the gun.

The suspect fell forward on his left side covering the area where the gun was located. Deputy Lemus continued shooting, as he yelled at the suspect to show his hands. The suspect rolled onto his back and lifted his hands above his shoulders. Deputy Lemus could see the gun protruding from the suspect's left pants pocket. He yelled at the suspect to not move several times.

Deputy Lemus heard Deputy [redacted] run up behind him and ask him if he was okay. He heard Deputy [redacted] put out radio traffic as he told him he was "okay." He remembered Deputy [redacted] putting out traffic and dealing with the partygoers as he held the suspect at gun point.

As responding units arrived, they formulated a plan to approach the suspect, secure him, and remove his weapon. Deputy Lemus did not feel threatened by the suspect because the suspect had his hands on his chest and was no longer making any attempt to reach for his gun. After the suspect was secured, an unknown deputy called in paramedics who were standing by, waiting for the area to be secured.

Deputy Lemus remembered standing in the front yard of the shooting location as other deputies arrived and dealt with the growing crowd. Deputy Lemus remembered the crowd of 30-40 approaching him and Deputy [redacted] immediately following the shooting. The crowd was yelling profanities such as "Why the fuck did you shoot him" and "He didn't fucking have a gun."

> **IAB Note: Distance travelled during the foot pursuit was approximately 276 feet from the point of contact with the suspect. (Exhibit B)**

Prior to being transported to the station, Deputy Lemus checked his radio and confirmed the battery was drained. He notified Sergeant Morales and the Watch Commander, Sergeant Parga regarding his radio.

> **IAB Note: The Foot Pursuit Evaluation Form submitted by Sergeant Morales indicates he checked Deputy Lemus' battery after the pursuit and confirmed it was drained. (Exhibit C)**

INVOLVED DEPUTY WITNESS STATEMENT:

Deputy [redacted], Employee #[redacted], was interviewed by Homicide Investigators on 11-09-2010, at approximately 0240 hours. A summary of their interview may be found on pages 43 and 44 of the Homicide Investigation Book, **Exhibit A.** Internal Affairs investigators reviewed the tape recording of the interview and found that Homicide's summary of their interview is an accurate account of what was said.

Internal Affairs Bureau investigators conducted a Shooting Review interview on April 5,

2012, at approximately 1125 hours. The following is a summary of the incident as described by Deputy [redacted]. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview (Job #34287) and attached interview transcription.

Deputy [redacted] recollection of the events that led him to stop the patrol vehicle at the party location was consistent with Deputy Lemus' statement. Deputy [redacted] described the suspect having a startled look on his face when he saw the patrol car.

Deputy [redacted] said he exited the vehicle and called to the suspect to walk toward them. The suspect had not reached the second group of males who were standing on the lawn of the party location. The suspect began to casually walk away from the group toward the deputies. The suspect had his hands down to his side and was not making any suspicious movements.

As Deputy [redacted] reached the area where he saw the suspect crouch between the cars, he directed the suspect to walk toward Deputy Lemus. Deputy [redacted] drew his gun and held it by his side because he recognized he was "standing right in the middle of a gangster party."

His concern was the large group of males and he wanted to keep his options open if something else took place. He also wanted to get to the area where he saw the suspect crouch to prevent anyone else from going there and recovering what he believed the suspect had dropped.

> **IAB Note: Deputy [redacted] said he did not feel threatened by the suspect because his demeanor was calm. The suspect had put his hands up to his chest with the palms open. He also said he told the suspect to walk toward Deputy Lemus, because he did not want to search the suspect directly in front of the crowd of party goers who were on the front lawn.**

As the suspect got close to Deputy Lemus, Deputy [redacted] quickly looked down at the area where he had seen the suspect crouch. Deputy [redacted] was looking for the possible item he believed the suspect may have dropped.

When Deputy [redacted] looked up, he saw the suspect running east on 123rd Street away from Deputy Lemus. He saw Deputy Lemus reach for his handheld radio as he ran after the suspect. Deputy [redacted] said he ran to the vehicle to secure it. He then decided his chances of catching up to his partner and the suspect were better if he drove rather than ran. The patrol vehicle was on, with the keys in it, so he decided to take the car and not leave it there with the large group.

Deputy [redacted] said he believed their chances of catching the suspect were better if he took the car, because if the suspect ran through yards or jumped a fence he could get to a containment spot faster and coordinate.

He put the patrol car in reverse and began driving after Deputy Lemus and the suspect. Deputy Lemus and the suspect were approximately 75-90 feet from him as he entered the car. He did not get on the radio because he did not want to "step" on Lemus' radio transmission. He focused his attention on Deputy Lemus and steering the vehicle in reverse. He did not attempt to turn the car around because that would have taken too much time.

Deputy [redacted] maintained a visual on Deputy Lemus as he saw the suspect run from the street onto the lawn of a residence. He saw the suspect run north into the driveway of [redacted] East 123rd Street with Deputy Lemus following him.

Deputy [redacted] stopped his vehicle directly in front of the residence. His passenger window was in a direct line with Deputy Lemus. He put the car in park and was getting out from the driver's side when he heard gunfire. He did not know who was shooting and looked up toward where he heard the gunfire. He could see muzzle flash coming from Deputy Lemus' gun. He could not see the suspect. As Deputy [redacted] was running toward Deputy Lemus, he got on his radio to announce his partner had been involved in a shooting.

He ran toward Deputy Lemus and asked him if he was "okay." He could see the suspect lying on the ground and Deputy Lemus pointing his gun at him. Deputy [redacted] turned his attention toward a group of partygoers who had followed the pursuit. The males were in the yard of the residence and quickly approaching them. Deputy [redacted] began giving the crowd orders to stand back.

The crowd was upset and was yelling obscenities at Deputy [redacted] as they got to within five feet of him. A second group of males started approaching from the east side of the deputies. Deputy [redacted] believed the crowd might become violent and used his radio to call for more units. Deputy [redacted] was able to keep the crowd back and away from the suspect and Deputy Lemus until assisting units arrived.

As assisting units arrived and dealt with the crowd, Deputy [redacted] turned his attention to Deputy Lemus and the suspect. Deputy Lemus, Deputy [redacted] and other deputies formulated a plan to approach the suspect to safely disarm him to allow fire personnel to approach. Deputy [redacted] took the weapon from the suspect's left pants pocket and later placed it in the trunk of his patrol vehicle. He was not wearing gloves at the time.

A second deputy was assigned to handcuff the suspect. Once the suspect was secured, paramedics were called to attend to him.

SUSPECT STATEMENTS:

Suspect was deceased.

NON-DEPARTMENT WITNESS STATEMENTS:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Suspect was deceased.

PROPERTY DAMAGE:

None